

## LEGAL

## PROPOSED CONSTITUTIONAL AMENDMENTS TO BE SUBMITTED AT THE SPECIAL ELECTION SEPTEMBER 20, 1921.

Pursuant to Chapter 138, Session Laws of 1921, the following Constitutional Amendments are submitted to the qualified voters at the Special Election to be held Sept. 20, 1921.

MANUEL MARTINEZ,  
Secretary of State.

## NO. 1.

## JOINT RESOLUTION PROVIDING FOR THE AMENDMENT OF SECTION 2 OF ARTICLE VII OF THE CONSTITUTION OF THE STATE OF NEW MEXICO.

H. J. R. No. 18, Appr. Feb. 15, 1921.  
Be it Resolved by the Legislature of the State of New Mexico:

That Section 2 of Article VII of the Constitution of the State of New Mexico, be and the same is hereby amended to read as follows:

"Sec. 2. Every citizen of the United States who is a legal resident of the State and is a qualified elector therein, shall be qualified to hold any public office in the state except as otherwise provided in this Constitution. The right to hold public office in the State of New Mexico shall not be denied or abridged on account of sex, and wherever the masculine gender is used in this Constitution, in defining the qualifications for specific offices, it shall be construed to include the feminine gender. Provided, however, that the payment of public road poll tax, school poll tax or service on juries shall not be made a prerequisite of the right of a female to vote or hold office."

FOR THE AMENDMENT ☐

AGAINST THE AMENDMENT ☐

## NO. 2.

## A RESOLUTION PROPOSING AN AMENDMENT TO SECTION 22 OF ARTICLE II OF THE CONSTITUTION OF THE STATE OF NEW MEXICO.

Joint Res. No. 9 (As Amended) Appr. March 8, 1921.

Be it Resolved by the Legislature of the State of New Mexico:

Section 1. That Section 22 of Article II of the Constitution of the State of New Mexico be amended so that the said election shall read as follows:

Section 22. Until otherwise provided by law no alien ineligible to citizenship under the laws of the United States, or corporation, partnership or association, a majority of the stock or interest in which is owned or held by such aliens, shall acquire title, leasehold or other interest in or to real estate in New Mexico.

FOR THE AMENDMENT ☐

AGAINST THE AMENDMENT ☐

## NO. 3.

## A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION I OF ARTICLE V OF THE CONSTITUTION OF THE STATE OF NEW MEXICO, ENTITLED "EXECUTIVE DEPARTMENT."

H. J. R. No. 19, Appr. Feb. 9, 1921.  
Be it Resolved by the Legislature of the State of New Mexico:

That Section 1 of Article V of the Constitution of the State of New Mexico, entitled "Executive Department," be and the same is hereby amended to read as follows:

"Section 1. The Executive department shall consist of a governor, lieutenant governor, secretary of state, state auditor, state treasurer, attorney general, superintendent of public instruction and commissioner of public lands, who shall be elected for a term of two years beginning on the first day of January next after their election.

Such officers, except the superintendent of public instruction, after having served two consecutive terms shall be ineligible to hold any state office for two years thereafter.

The officers of the executive department, during their terms of office, shall reside and keep the public records, books, papers and seals of office at the seat of government."

FOR THE AMENDMENT ☐

AGAINST THE AMENDMENT ☐

## NO. 4.

## A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 5 OF ARTICLE VIII OF THE CONSTITUTION OF THE STATE OF NEW MEXICO, ENTITLED "TAXATION AND REVENUE."

H. J. R. No. 41, Appr. March 11, 1921.  
Be it Resolved by the Legislature of the State of New Mexico:

Section 1. That Section 5 of Article VIII of the Constitution of the State of New Mexico, entitled "Taxation and Revenue," be and the same is hereby amended so as to read as follows:

Section 5. The legislature may exempt from taxation property of each head of a family to the amount of two hundred dollars, and the property of every honorably discharged soldier, sailor, marine and army or navy, except the Lieutenant, nurse, and the widow of every such soldier, sailor or marine, who served in the armed forces of the United States at any time during the period in which the United States was regularly and officially engaged in any war, in the sum of two thousand dollars. Provided, that in every case where exemption is claimed on the ground of the claimant having served with the military or naval forces of the United States aforesaid, the burden of proving actual and bona fide ownership of such

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property, upon which exemption is claimed, shall be upon the claimant."

FOR THE AMENDMENT ☐

AGAINST THE AMENDMENT ☐

## NO. 5.

## HOUSE JOINT RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE XI OF THE CONSTITUTION OF THE STATE OF NEW MEXICO, ENTITLED "CORPORATIONS OTHER THAN MUNICIPAL" BY ADDING THERETO A NEW SECTION TO BE NUMBERED SECTION 19.

H. J. R. No. 35, Appr. Feb. 11, 1921.  
Be it Enacted by the Legislature of the State of New Mexico:

That Article XI of the Constitution of the State of New Mexico entitled "Corporations other than municipal" be amended by adding thereto a new section to be numbered Section 19 to read as follows:

Sec. 19. The Legislature may enlarge the powers and duties of the State Corporation Commission created by Section 1 of this Article for the control and regulation of corporations and may change and alter the provisions for the enforcement of its orders.

Until the Legislature shall otherwise provide any order made by the commission fixing or changing any charge or rate or relating to any matter within its authority shall be binding upon the carrier, or company, or person to whom the same is directed and shall be enforced by the supreme court according to the terms of such order unless changed or modified by said court on being applied for by any carrier, company or person within reasonable time limited in such order.

Upon any hearing or proceeding in any court upon any order issued by the commission within the scope of its authority the burden of proof shall be upon the carrier, company or person to whom such order is directed to show the unreasonableness of any charge, rate fixed or requirement specified in such order and such court may of its own motion and shall upon request of any interested party require or authorize additional evidence.

FOR THE AMENDMENT ☐

AGAINST THE AMENDMENT ☐

## NO. 6.

## JOINT RESOLUTION PROPOSING THE AMENDMENT OF SECTION 3, ARTICLE XX, AND SECTION 5, ARTICLE IV, OF THE CONSTITUTION OF THE STATE OF NEW MEXICO.

C. S. for S. J. R. No. 4, Appr. Feb. 11, 1921.

Be it Resolved by the Legislature of the State of New Mexico:

Section 1. That Section 3 of Article XX of the Constitution of the State of New Mexico be and the same is hereby amended to read as follows:

Section 3. The term of office of every state, county or district officer except the governor of the state, and those elected to fill vacancies, shall commence on the first day of January next after his election. The term of the governor of the state shall commence on the first day of December next after his election.

Section 2. That Section 5 of Article IV of the Constitution of the State of New Mexico be and the same is hereby amended to read as follows:

"Section 5. The regular biennial session of the legislature shall begin at twelve o'clock, noon, on the first Tuesday of February next, after each general election. No regular session shall exceed sixty days and no special session shall exceed thirty days.

"Sub-Section (A). All moneys received on account of the state from any source whatsoever, shall be paid into the treasury thereof.

"Sub-Section (C). The legislature shall not appropriate any money out of the treasury except in accordance with the provisions of this section.

"Sub-Section (D). On or before the fifth day of January in each year session of the legislature, every department, institution and agency of the state except the legislative department, shall submit to the governor of the state a detailed statement showing actual revenues and expenditures for the two fiscal years intervening since the last regular session of the legislature, together with estimates of appropriations required to meet the financial needs of such department, institution, or agency estimated as the governor may require.

"Sub-Section (E). On or before the twentieth day of every regular session of the legislature, the governor shall prepare and shall submit to the legislature a budget containing a detailed statement and estimate of all anticipated revenues of the state, and a complete plan of proposed expenditures for the state government during the ensuing biennium.

"Sub-Section (F). For the purpose of preparing his budget, the governor shall have power to require any board, commission, officer or department to furnish him with any information which he may deem necessary.

"Sub-Section (G). At any time the governor submits his budget to the legislature, he shall also submit a bill, to be known as the "General Appropriation Bill," which shall contain all of the proposed appropriations of the budget clearly itemized and classified, and the presiding officer of each house shall, immediately, cause said bill to be referred together with the accompanying budget to the appropriate committee for its consideration. The governor may, before final action thereon by

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the legislature, amend his said budget and general appropriation bill, to correct any oversight, or in case of emergency, by delivering such amendment or supplement to the presiding officers of both houses; and such amendment or supplement shall thereby become part of said general appropriation bill as an addition to the items of said bill or as a modification of or substitute for any item of said bill such amendment or such supplement may effect.

"Sub-Section (H). The legislature may amend such general appropriation bill by increasing the items therein relating to the Judicial Department, but may not otherwise alter or amend such bill except to strike out or reduce items therein.

"Sub-Section (I). Prior to the final action on the general appropriation bill, the legislature may provide for its salaries, mileage and necessary legislative expenses by special appropriation bills specifically limited to such purposes, but before final action on the general appropriation bill it shall not enact any other appropriation bill, except upon the recommendation of the governor.

"Sub-Section (J). The governor may, at any time, recommend to the legislature supplementary budgets and supplementary appropriation bills based thereon, all of which shall be subject to the same procedure as the original budget and the general appropriation bill.

"Sub-Section (K). After final action on the general appropriation bill or on recommendation of the governor special appropriation bills may be enacted, but every appropriation shall be embodied in a separate bill, limited to some single work, subject or purpose therein stated.

"Sub-Section (L). In the event of any inconsistency between any of the provisions of this section and any of the other provisions of the constitution, the provisions of this section shall prevail. But nothing herein shall in any manner affect the provisions of Section 22 of Article IV of the constitution, or be construed as preventing the governor from calling special sessions of the legislature as provided by Section 6 of Article IV of the constitution, or as preventing the legislature, at such special sessions, from considering any emergency appropriation or appropriations."

FOR THE AMENDMENT ☐

AGAINST THE AMENDMENT ☐

## NO. 7.

## JOINT RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE XIII OF THE CONSTITUTION OF THE STATE OF NEW MEXICO, ENTITLED "PUBLIC LANDS."

S. J. R. No. 41, Appr. March 12, 1921.  
Be it Resolved by the Legislature of the State of New Mexico:

Section 1. That Article XIII of the Constitution of the State of New Mexico be amended so as to read as follows:

"ARTICLE XIII PUBLIC LANDS"

"Section 1. All lands belonging to the State of New Mexico, and all lands granted, transferred or confirmed to the State by Congress, and all lands hereafter acquired, are declared to be public lands of the state to be held or disposed of as may be provided by law for the purpose for which they have been or may be granted, donated or otherwise acquired.

"Section 2. A permanent Commission to consist of three members, not more than two of whom shall belong to the same political party, is hereby created, which shall be known as the "State Land Commission."

"Section 3. The members of the Commission shall be appointed by the governor, by and with the advice and consent of the Senate, and shall be subject to removal only for cause. Each member shall hold office for a term of six years from and after his appointment, and until his successor shall have been duly appointed and qualified; Provided, that the three members of the Commission first appointed and confirmed shall immediately qualify and classify themselves by lot so that one of them shall hold office for two years, one for 4 years, and one for six years, from and after January 1st, 1923, and thereafter one Commissioner shall be appointed every two years; Provided, however, that the members of the Commission first to be appointed shall be appointed during the regular session of the legislature to convene in the year 1923, and, provided further, that until such Commission shall be duly appointed and qualified as hereinabove provided, the Commissioner of Public Lands elected at the general election in the year 1920 shall continue to act as Commissioner of Public Lands with all powers and authority heretofore exercised by him.

"Section 4. The State Land Commission shall select, locate, classify, and have the direction, control, care, and disposition of all public lands, under the provisions of the Acts of Congress relating thereto and such regulations as may be provided by law.

"Section 5. The Commission shall annually elect one of its members Chairman, and shall appoint a Chief Clerk, and such other officers, assistants and subordinates as may be requisite and necessary for the proper conduct of the affairs of the State Land Office. The Commission shall prescribe its own rules of order and procedure concerning its official duties. The salaries of the Commissioners shall be fixed by the legislature.

"Section 6. All of the duties, powers, and prerogatives now by law incumbent upon or vested in the Commissioner of Public Lands of the State of New Mexico, shall as soon as the first three members, appointed and confirmed under authority of

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this article, shall qualify, be incumbent upon and vested in the State Land Commission, and said Commission shall thereupon be deemed to be the legal successor of the Commissioner of Public Lands of this State, and shall be bound by and power to enforce all lawful contracts entered into by the Commissioner of Public Lands on behalf of the State.

"Section 7. Any qualified elector of the State of New Mexico, who has attained the age of thirty years, and who shall have been a resident of the State of New Mexico for five years next preceding his appointment shall be qualified to hold office as a member of the State Land Commission.

"Section 8. The State Land Commission shall have a seal with an appropriate device thereon, and such seal affixed to any instrument, signed by the Chairman or Acting Chairman, and attested by the Chief Clerk, shall be prima facie evidence of the due execution thereof.

"Section 9. Each member of the Commission shall, before entering upon the duties of his office, qualify by taking the oath of office as prescribed for all State officers, and shall execute a bond, in favor of the State, in the penal sum of \$50,000.00, conditioned upon the faithful performance of the duties of his office.

"Section 10. The Chairman of the State Land Commission shall be the third member, together with the Governor and Attorney General, of the Commission created by Section 11 of the Act of Congress, approved June 10th, 1920, commonly called the Enabling Act."

FOR THE AMENDMENT ☐

AGAINST THE AMENDMENT ☐

## NO. 8.

## A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION TWO OF ARTICLE EIGHT OF THE CONSTITUTION OF THE STATE OF NEW MEXICO.

C. S. for S. J. R. No. 21, Appr. March 12, 1921.

Be it Resolved by the Legislature of the State of New Mexico:

"Section 1. That Section 2 of Article VIII of the Constitution of the State of New Mexico be, and the same is hereby amended to read as follows:

"Section 2. The maximum rate of taxation to be levied for all state purposes and uses, including the educational, penal, and charitable institutions, shall not exceed six mills on the dollar of the assessed valuation of all property subject to taxation in the state. The maximum rate of tax to be levied for all County purposes and uses, excepting special school levies, general school tax levies, special levies for health purposes, and special levies on specific classes of property, shall not exceed five (5) mills on the dollar. Provided, however, that a tax not exceeding two (2) mills on the dollar of the assessed valuation of all property subject to taxation in this state may be levied for the construction and maintenance of the State Highways, which said two (2) mills levy shall not be within the State or County limitations heretofore fixed. The maximum rate of tax to be levied for all general County school purposes and uses shall not exceed ten (10) mills on the dollar. Provided, however, that an additional levy of not to exceed five (5) mills on the dollar may be made with the joint, written consent of the Board of County Commissioners and the State Tax Commission. The maximum rate of tax to be levied for City, Town, or Village purposes or uses shall not exceed five (5) mills on the dollar. The maximum amount of tax to be levied for health purposes shall not exceed one-half (1/2) mill. The maximum rate of tax to be levied by school districts for special school district purposes, shall not exceed five (5) mills on the dollar. The foregoing limitations shall not apply to levies for the payment of the public debt or interest thereon; Provided, further, that the limitations herein contained shall not apply to tax levies authorized by the Fifth Legislature and exempted from similar limitations in existing laws.

FOR THE AMENDMENT ☐

AGAINST THE AMENDMENT ☐

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## LEGAL NOTICES

## THE CONSTITUTION OF THE STATE OF NEW MEXICO, ENTITLED "STATE, COUNTY AND MUNICIPAL INDEBTEDNESS."

H. J. R. No. 32, Appr. Feb. 14, 1921.  
Be it Enacted by the Legislature of the State of New Mexico:

"Section 1. That it is hereby proposed to amend Section 12 of Article 9 of the State Constitution so as to read as follows:

"Section 12. No city, town or village shall contract any debt except by an ordinance, which shall be irrevocable until the indebtedness therein provided for shall have been fully paid or discharged, and which shall specify for the purpose to which the funds to be raised shall be applied, and which shall provide for the levy of a tax not exceeding twelve mills on the dollar upon all taxable property within such city, town or village, sufficient to pay the interest on, and to extinguish the principal of such debt, within fifty years. The proceeds of such tax shall be applied, only to the payment of such interest and principal. No such debt shall be created unless the questions of incurring the same, shall, at a regular election for commission, aldermen or other officers of such city, town or village, or at a special election duly called for that specific purpose, in the same manner as for a regular election, have been submitted to a vote of such qualified electors thereof as have paid a property tax thereon during the preceding year, and a majority of those voting on the question, deposited in a separate ballot box, shall have voted in favor of creating such debt."

FOR THE AMENDMENT ☐

AGAINST THE AMENDMENT ☐

## NO. 10.

## JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 2 OF ARTICLE X OF THE CONSTITUTION OF THE STATE OF NEW MEXICO, ENTITLED "COUNTY AND MUNICIPAL CORPORATIONS."

H. J. R. No. 40, Appr. Feb. 14, 1921.  
Be it Enacted by the Legislature of the State of New Mexico:

Section 1. That Section 2 of Article X of the Constitution of the State of New Mexico entitled "County and Municipal Corporations" be and the same is hereby amended so as to read as follows:

"Section 2. All County officers shall be elected for a term of two years, until otherwise provided by law, and no County officer, except

the County School Superintendent, after having served two consecutive terms, shall be eligible to hold any County office for two years thereafter."

FOR THE AMENDMENT ☐

AGAINST THE AMENDMENT ☐

## NO. 11.

## A JOINT RESOLUTION PROVIDING FOR AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF NEW MEXICO BY ADDING THERETO ANOTHER SECTION TO ARTICLE IX, THE SAME TO BE NUMBERED 16.

H. J. R. No. 25, Filed Feb. 28, 1921.  
Be it Enacted by the Legislature of the State of New Mexico:

Section 1. That the following amendment to Article IX of the Constitution of the State of New Mexico as an additional section of said Article IX, to be numbered Section 16, is proposed, to be submitted to the electors of the state at an election to be held.

Section 16. Laws enacted by the Fifth Legislature authorizing the issue and sale of State Highway bonds for the purpose of providing funds for the construction and improvement of State Highways and to enable the State to meet and secure allotments of Federal Funds to aid in construction and improvement of roads, and laws so enacted authorizing the issue and sale of State Highway Debentures to anticipate the collection of revenues from motor vehicle licenses and other revenues provided by law for the State Road Fund, shall take effect without submitting them to the electors of the State, and notwithstanding that the total indebtedness of the state may thereby temporarily exceed one per centum of the assessed valuation of all property subject to taxation in the state. Provided, that the total amount of such State Highway Bonds payable from proceeds of taxes levied on property outstanding at any one time shall not exceed two million dollars. The Legislature shall not enact any law which will decrease the amount of the annual revenues pledged for the payment of State Highway Debentures or which will divert any of such revenues to any other purpose so long as any of the said debentures issued to anticipate the collection thereof remain unpaid.

FOR THE AMENDMENT ☐

AGAINST THE AMENDMENT ☐

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## NO. 9.

## JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION TWELVE OF ARTICLE NINE OF